

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JULIA D. DENDER and WILLIAM R.)
DENDER, individually and as)
husband and wife,)
 Plaintiffs,)

v.)

Cause No.: 2:14-CV-190-JVB-PRC

)
DIMITRE KATCHOULEV and)
KATCHOULEV CORPORATION)
d/b/a BULTRANS EXPRESS,)
 Defendants.)

OPINION AND ORDER

This matter is before the Court on Defendants Dimitre Katchoulev and Katchoulev Corp., d/b/a Bultrans Express's Motion to Compel Non-Party Discovery [DE 13], filed on February 25, 2015. The motion was served on all parties and on non-party Franciscan Physicians Network (Franciscan). No response has been filed, and the time to do so has passed.

Defendants represent that Plaintiff William Dender has been treated by doctors at Franciscan for the injuries for which he is seeking compensation in this case. They represent that, on June 19, 2014, they served a Subpoena as well as a Request for Production on non-party Franciscan seeking medical records of that treatment. They also represent that Plaintiffs have not objected to the Subpoena or Request for Production and that the records are necessary for Defendants to properly defend this case. Franciscan has refused to comply, explaining that an authorization signed by the patient (that is, Plaintiff William Dender) is required before it will hand over the medical records to Defendants. Defendants now ask that the Court compel Franciscan to produce the requested records.

Northern District of Indiana Local Rule 37-1 provides that a "party filing any discovery

motion must file a separate certification that the party has conferred in good faith or attempted to confer with other affected parties in an effort to resolve the matter raised in the motion without court action.” N.D. Ind. L.R. 37-1. The Court may deny discovery motions if they are not accompanied by a proper certification. *Id.*

Though the dispute here is between Defendants and a non-party, a conferral between Plaintiffs and Defendants might well have resolved this dispute without Court action since Plaintiff William Dender is presumably able to provide the authorization requested by Franciscan. Defendants’ motion is thus premature. The Court therefore **DENIES** Defendants Dimitre Katchoulev and Katchoulev Corp., d/b/a Bultrans Express’s Motion to Compel Non-Party Discovery [DE 13].

SO ORDERED this 17th day of April, 2015.

s/ Magistrate Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT